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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,227	08/21/2001	Allen Chang	10010241-1	8156

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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
	2645

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/934,227	CHANG, ALLEN	
	Examiner Olisa Anwah	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
    - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 10, 11, 14 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Chmaytelli et al, U.S. Patent No. 6,542,729 (hereinafter Chmaytelli).

Regarding claim 1, Chmaytelli discloses a computer-implemented method for providing access to functions of a portable information appliance (see Figure 1), comprising:

while the portable information appliance is operating in a configuration mode, converting input signals from a microphone to a first data set representing a voice of an authorized user

Art Unit: 2645

and storing the first data set in the portable information appliance (col. 5, lines 5-15); and

while the portable information appliance is operating in a standby mode, converting input signals from the microphone to a second data set representing sound detected at the microphone, and if the first data set matches the second data set, providing access to functions of the portable information appliance (col. 8, lines 15-45).

Claim 10 is rejected for the same reasons as claim 1.

Claim 11 is rejected for the same reasons as claim 10.

Regarding claim 14, see col. 5, lines 5-15 and col. 8, lines 15-45.

Claim 15 is rejected for the same reasons as claim 11.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 2645

4. Claims 6, 12 and 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Chmaytelli in view of Irvin, U.S. Patent No. 6,195,568 (hereinafter Irvin).

Regarding claim 6, Chmaytelli does not explicitly disclose while the portable information appliance is operating in the configuration mode, converting input signals from a microphone to a plurality of first data sets representing voices of a plurality of authorized users and storing the plurality of first data sets in the portable information appliance and if any of the plurality of first data sets matches the second data set, providing access to functions of the portable information appliance. However Irvin discloses these limitations (see Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chmaytelli with the portable information appliance taught by Irvin. This modification would allow a plurality of end users to use a single telephone as suggested by Chmaytelli and Irvin.

Regarding claim 12, Chmaytelli fails to teach the biometric module includes a fingerprint-sensing pad adapted to convert the input signals into a data set representing biometric characteristic of the authorized user. However Irvin discloses this limitation (see column 6). Therefore it would have been

Art Unit: 2645

obvious to one of ordinary skill in the art at the time the invention was made to modify Chmaytelli with the biometric module taught by Irvin. This modification allows a user to be authenticated using various biometric modules as suggested by Irvin.

Regarding claim 13, Chmaytelli fails to teach the biometric module includes a retinal-scanning device adapted to convert the input signals into a data set representing biometric characteristic of the authorized user. However Irvin discloses this limitation (see column 6). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chmaytelli with the biometric module taught by Irvin. This modification allows a user to be authenticated using various biometric modules as suggested by Irvin

5. Claim 7 is rejected under 35 U.S.C § 103(a) as being unpatentable over Chmaytelli in view of Gabou et al, U.S. Patent No. 6,583,714 (hereinafter Gabou).

Regarding claim 7, Chmaytelli does not explicitly disclose automatically placing the portable information appliance in the standby mode when power is initially applied to the appliance.

Art Unit: 2645

However Gabou discloses this limitation (see columns 3 and 4), therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chmaytelli with the standby mode taught by Gabou. This modification conserves power as suggested by Gabou.

6. Claims 2, 3, 5 and 8 are rejected under 35 U.S.C § 103(a) as being unpatentable over Chmaytelli in view of Whitfield, U.S. Patent No. 5,995,824 (hereinafter Whitfield).

With respect to claim 2, Chmaytelli discloses automatically placing the portable information appliance into an operations mode if the first data set matches the second data set (col. 5, lines 5-15 and col. 8, lines 15-45). Chmaytelli does not disclose while the portable information appliance is operating in the operations mode, converting input signals from the microphone to a third data set representing sound detected at the microphone and storing the third data set for subsequent playback. However Whitfield discloses this limitation (see abstract and column 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chmaytelli with the third data set taught by Whitfield. This modification allows for conversations to be recorded as suggested by Whitfield.

Regarding claim 5, see Figure 2A of Chmaytelli.

With respect to claim 3, the combination of Chmaytelli and Whitfield does not explicitly teach comparing the third data set to each of a plurality of recorder-command data sets, wherein each of the recorder-command data sets is associated with a sound recorder function performed by the portable information appliance; and performing the sound recorder function associated with a recorder-command data set that matches the third data set. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Chmaytelli and Whitfield with recorder-command data sets. This modification would allow conversation-recording functions to be initiated hands free.

Regarding claim 8, Chmaytelli fails to teach entering a program-button mode in response to a selected user input signal while the portable information appliance is operating in the operations mode; associating a user-specified set of functions with a user-selected programmable button while the portable information appliance is operating in the program-button mode;

Art Unit: 2645

and performing the set of user-specified functions associated with a programmable button in response to a user selection of the programmable button while the portable information appliance is operating in the operations mode. However Whitfield discloses these limitations (see column 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chmaytelli with the button taught by Whitfield. This modification allows for conversations to be recorded as suggested by Whitfield.

7. Claims 4 and 9 are rejected under 35 U.S.C § 103(a) as being unpatentable over Chmaytelli combined with Whitfield in further view of Gabou.

Regarding claim 4, the combination of Chmaytelli and Whitfield does not disclose returning the portable information appliance to the standby mode after a selected period of inactivity. However Gabou discloses this limitation (see column 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Chmaytelli and Whitfield with the standby mode taught by Gabou. This modification enables users to avoid entering their code every time for several outgoing calls as suggested by Gabou.

Art Unit: 2645

Regarding claim 9, see column 4 of Gabou.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah  
Patent Examiner  
April 15, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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